

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANTHONY BAYAD,)
v.)
JOHN CHAMBERS,) CIVIL ACTION
PATRICIA RUSSO, ANTHONY SAVASTANO,) NO. 04-10468-GAO
and CARL WIESE,)
Defendants.)

**CISCO DEFENDANTS'
PARTIAL MOTION TO DISMISS**

Defendants John Chambers, Anthony Savastano, and Carl Wiese (the “Cisco defendants”) respectfully move the Court to dismiss this action pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim as to which relief may be granted, with the exception of claims of violation of 42 U.S.C. §1981 that arose after May 2001. Plaintiff’s remaining claims are barred by applicable statutes of limitation, have been released, are barred by collateral estoppel, and fail to comply with statutory prerequisites to bring an action in this Court. The grounds for this motion are more fully set forth in the accompanying memorandum of law.

Respectfully submitted,

**JOHN CHAMBERS
ANTHONY SAVASTANO
CARL WIESE**

By their attorneys,

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Dated: May 7, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was served on the plaintiff pro se by first-class mail, postage prepaid, this 7th day of May, 2004.

Mark W. Batten